

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65691 of 2022

Arising Out of PS. Case No.-103 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

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CHOTE LAL MISTRY @ CHOTEY LAL MISTRY S/o Sarun Mistry R/o
village- Simrour, P.S.- Neemchak Bathani, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar,Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh,Advocate
For the Informant : Ms.Vaishnavi Singh,Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-11-2022 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Nimchak Bathani P.S. Case No. 103 of 2018 under Sections 302, 120B, 147, 148, 149 of the Indian Penal Code and 27 of the Arms Act, inasmuch as the earlier prayers of the petitioner for grant of bail have all been rejected by this Court.

The case of the prosecution in brief is that the informant was roaming around the pond situated near his new house along with his relatives and his son was feeding the fishes in the pond, whereupon two Bolero vehicles came and stopped there and the accused persons including the petitioner herein had alighted from the vehicle, whereafter they had fired on the son of the informant after surrounding him, resulting in his death on the spot.

The learned counsel for the petitioner has submitted



that the petitioner is languishing in custody since 21.10.2019, and there is no progress whatsoever in the ongoing trial.

Per contra the learned A.P.P. as also the learned counsel appearing for the informant have vehemently opposed the prayer for bail and have submitted that the petitioner has engaged in heinous crime of murdering the son of the informant by firing gun shots and moreover, this Court has not found favour with the petitioner for the purposes of grant of bail on the last three occasions, hence, this Court should not have any sympathy for the petitioner.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that there is no change in the circumstances so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail and moreover, the petitioner is alleged to have committed a gruesome murder, hence this Court does not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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